

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No.: 1:23-cv-21894-FAM

WORLD MEDIA ALLIANCE LABEL INC.,

Plaintiff,

v.

BELIEVE SAS, aka BELIEVE Co., aka BELIEVE,
aka BELIEVE DIGITAL

Defendant.

DECLARATION OF VITALY KRETC

I, Vitaly Kretc, as in-house Russian counsel for Believe SAS, declare as follows:

1. I respectfully submit this declaration in support of Believe SAS's, Believe Co, Believe, and Believe Digital ("Believe") Motion to Dismiss. I am over eighteen years of age and if called upon I can testify as to the facts stated herein.
2. I am a lawyer based in Moscow, Russia and I am familiar with the Russian court system and routinely handle litigation in Russia.
3. As part of my duties, I provide counsel and guidance to Believe in relation to any Russian legal matters or Russian laws.
4. Believe's principal place of business is in France.
5. Believe does not have an office, assets or employees in Florida.
6. The content cited in this matter has been at issue in the Russian courts for nearly two decades and continues to be litigated. ("Russian Litigation").
7. The Russian Litigation aims to clarify previous decisions made by Russian courts.
8. The songs at issue were originally performed by Russian band Tender May that was founded by Russian songwriter Sergey Kusnetsov (the "Founder") and was led by the lead

singer Yuriy Shatunov (the “Singer”). In connection with Tender May, Andrei Razin (the “Producer”) assisted with production of songs.

9. In 2005, without providing notice to either the Founder or the Singer, the Producer petitioned the Industrial District Court of Stavropol to determine that he owned the songs at issue. The Producer claimed that he received the rights to the songs in 1992 through a contract the Founder. The Producer purportedly provided the court with a copy of an agreement granting him exclusive rights, but the agreement was later determined to be fraudulent or fabricated.

10. The copy of the agreement included the fraudulent signature of Tender May’s Founder. However, the Founder never actually saw such an agreement nor transferred any property rights to the Producer.

11. In fact, the Founder and Singer were completely unaware of the Producer’s petition and were not provided an opportunity to contest the court’s decision granting the Producer’s property rights.

12. Based on the 2005 decision, which was incorrect, the Producer possibly began to license and distribute the songs that were not actually owned by him.

13. Founder and Singer entered into an agreement on October 1, 2019, that granted the Singer exclusive rights to all the musical works at issue in this matter (“2019 Transfer Agreement”). The 2019 Transfer Agreement is attached hereto as Exhibit A.

14. The Singer and rightful owner of the rights to the Tender May songs learned of the court’s 2005 decision claiming that the Producer owned the rights to the song only after the 2019 Transfer Agreement.

15. Because neither the Singer nor the Founder were involved in the 2005 litigation, the Singer applied for appellate review of the decision to the Judicial Collegium for Civil Cases of the Stavropol Territory County. On June 8, 2022, the appellate court overturned and canceled the 2005 decision, rendering the Producer's unilateral claim "without consideration," and granting rights for interested parties to resolve the ownership dispute. *See* Exhibit B, 2022 Opinion. The ruling was confirmed by the Judicial Board of the Fifth General Court of Cassation on November 21, 2022.

16. The Singer has since passed away. The Singer's rightful estate has continued to take steps to confirm the legal rights to the property via the Russian courts. As a result of the 2022 Opinion and advice therein, the Singer's estate has brought a claim in the Leninsky District Court of Stavropol to finally establish their rightful property rights to Tender May's music. *See* Exhibit C, 2023 Claim of Rights Petition.

17. The Russian Litigation is ongoing and, in my experience, a resolution is achieved between several months to one year.

I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 29th October, 2023



Vitaly Krete